

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 SERGIO MORALES,

Case No. 2:22-cv-00387-RFB-EJY

5 Plaintiff,

6 v.

7 MICHAEL MINEV, et al.,

8 Defendants.

9
ORDER

10 Pending before the Court is Defendants' Motion for Leave to File Exhibit A to Defendants'

11 Status Report Under Seal (ECF No. 32). Exhibit A contains Plaintiff's medical records. As the

12 party seeking to seal a judicial record, Defendants must meet their burden of overcoming the strong

13 presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty.*

14 *of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to maintain the

15 secrecy of documents attached to dispositive motions must meet the high threshold of showing that

16 "compelling reasons" support secrecy). "Many courts have applied the compelling reasons standard

17 to ... temporary restraining orders" and motions seeking preliminary injunctive relief. *Ctr. for Auto*

18 *Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1096 n.2 (9th Cir. 2016) (collecting cases); *see also*

19 *Selling Source, LLC v. Red River Ventures, LLC*, Case No. 2:09-cv-01491-JCM-GWF, 2011 WL

20 1630338, at *5 (finding requests for preliminary injunctive relief should be treated as dispositive

21 motions for purposes of sealing court records) (D. Nev. Apr. 29, 2011).

22 Compelling reasons for maintaining secrecy of records filed with the Court requires

23 demonstration that the publicly filed document has the potential to become a vehicle for improper

24 purposes, including use of records to gratify private spite, promote public scandal, disseminate

25 libelous statements, or circulate trade secrets. *Nixon v. Warner Commc'nns*, 435 U.S. 589, 598

26 (1978). Importantly, medical privacy also meets the compelling reason standard. *See, e.g., San*

27 *Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, 2011 WL 89931, at *n.1 (N.D. Cal. Jan.

28 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, 2010 WL 4715793, at *1-2 (D. HI. Nov. 15,

1 2010); *G. v. Hawaii*, 2010 WL 267483, at **1-2 (D. HI. June 25, 2010); *Wilkins v. Ahern*, 2010 WL
2 3755654 (N.D. Cal. Sept. 24, 2010); *Lombardi v. Tri West Healthcare Alliance Corp.*, 2009 WL
3 1212170, at *1 (D. Ariz. May 4, 2009).

4 The Court considered Defendants' Motion and the document sought to be sealed. The Court
5 finds Exhibit A is properly sealed as it contains private medical information about Plaintiff.

6 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Leave to File Exhibit
7 A to Defendants' Status Report Under Seal (ECF No. 32) is GRANTED.

8 IT IS FURTHER ORDERED that Exhibit A to Defendants' Status Report (ECF No. 33), is
9 and shall remain sealed.

10 Dated this 21st day of March, 2023.

11 
12 ELAYNA J. YOUCAH
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28